REMARKS

These remarks are in response to the Official Action mailed on December 5, 2003. The Office Action allowed claims 37 and 39-41 and rejected claims 42-50 under 35 U.S.C. 112, first paragraph. Applicants thank the Examiner for indicating the allowability of claims 37 and 39-41. Is respectfully submitted claims 42-50 are also allowable for the reasons given below.

More specifically, the Office Action fails to find support for elements of independent claims 42 and 46. The Office Action states "Regarding claims 42 and 46, it is noted that Applicant has referred to the occurrence of the scrub process of Figure 8 as corresponding to the initial steps of either writing data or accessing the sector of cells." This is inaccurate, either due to a lack of clarity on the part of the previous Response or its interpretation. Claims 42 and 46 each have three steps: the "scrub" process of step 808 in Figure is for the support of the *second* and *third* of these steps, but **not** the *first* step of either "writing ..." or "accessing ...". It is the earlier portions of Figure 8 that provide the support for this initial step.

The "scrub" process in and of itself is described with respect to Figure 9 and it is to this process that allowed claims 37 and 39-41 are drawn. Claims 42-50 are drawn to the incorporation of the scrub process within a writing or a reading process.

With respect to claim 42, reference is again made to Figure 8, which presents an exemplary programming process incorporating a scrub. For the purposes of claim 42, Figure 8 can be considered to consist of two parts: the loop of steps 801, 802, 803, and 809; and the scrub process of step 808. This initial loop of steps 801, 802, 803, and 809 are a program/verify process used to write data values into the set of data cells being written. In a binary embodiment, these data values are either the "1" state or the "0" state---that is, this is just a variation on a standard binary programming process: "writing into each of a set of the plurality of memory cells a respective data value, wherein the data values are one of the first and second states".

The next two steps of claim 42 are part of the scrub process of step 808 of Figure 8, as have previously been described with respect to claims 37 and 39-41. The scrub process is

shown in more detail in Figure 9: steps 901-904 are the "identifying ..." process; step 905 is the "rewriting ..." process.

Consequently, it is respectfully submitted that the steps of claim 42 are supported as follows:

writing into each of a set of the plurality of memory cells a respective data value, wherein the data values are one of the first and second states;	Figure 8, steps 801, 802, 803, 809
identifying a memory cell of the set having a charge above the first reference level and below the second reference level; and	Figure 8, step 808, with detail in Figure 9, steps 901, 902, 903, and 904
rewriting the respective data value into the memory cell.	Figure 8, step 808, with detail in Figure 9, step 905

Therefore, it is respectfully submitted that claim 42 is fully supported by the present application and that claims 42-45 are allowable.

Concerning claim 46, this claim is similar to claim 42 and is similarly supported. In differs in that it begins with the step of "accessing"; this accessing can, for example, be a programming process with support as provided above for claim 42 or a reading process with support provided beginning at page 25, line 27. Claim 46 also differs in that the scrub of the "identifying ..." and "rewriting ..." steps occur in a second sector, rather the same sector where the accessing occurred: this is supported, for example, at page 25, lines 31 and 32 ("either the selected sector to be read, or another sector").

Consequently, it is respectfully submitted that claim 46 is fully supported by the present application and that claims 46-50 are allowable.

Therefore, it is respectfully submitted that the present application fully supports the claimed subject matter and that a rejection under 35 U.S.C. 112, first paragraph, is not well founded, and that claims 42-50 are allowable. Reconsideration of the Office Action's rejection of these claims is respectfully requested. If the Examiner has any question concerning the support for the pending claims, a call to the undersigned is invited.

Respectfully submitted,

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